

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**OSCAR STILLEY
Reg. No. 10579-062**

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-cv-00006-HTW-LRA

**UNITED STATES OF AMERICA,
WARDEN C. RIVERS,
REGIONAL DIRECTOR J.F. CARAWAY,
REGIONAL DIRECTOR J.A. KELLER,
U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF PRISONS,
ATTORNEY GENERAL WILLIAM BARR,
WARDEN D. PAUL, and
DIRECTOR K. HAWK SAWYER**

DEFENDANTS

**DEFENDANTS' MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Defendants United States of America, Warden C. Rivers, Regional Director J.F. Caraway, Regional Director J.A. Keller, U.S. Department of Justice, Federal Bureau of Prisons, U.S. Attorney General William Barr, Warden D. Paul, and Director K. Hawk-Sawyer, by and through the United States Attorney and the undersigned Assistant U.S. Attorney for the Southern District of Mississippi, under Rule 6 of the Federal Rules of Civil Procedure, move for an extension of time, until February 10, 2020, to answer or otherwise respond to Plaintiff Oscar Stilley's complaint, and for good cause would show:

Plaintiff Oscar Stilley, 10579-062, a federal prisoner at the Federal Correctional

Complex in Yazoo City, Mississippi, filed a complaint against the United States of America, alleging negligence under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401, 2671 *et seq.*, and against several employees of the Federal Bureau of Prisons, alleging Eighth Amendment, cruel and unusual punishment claims under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). He also challenges, under the Religious Freedom Restoration Act, certain Bureau of Prisons' staff actions that allegedly burdened his exercise of religion (e.g., he and other Messianic inmates were prohibited from practicing their religion in the chapel), and he alleges that his due process rights under the Fifth Amendment of the U.S. Constitution were violated when he was disciplined for misconduct. Compl., ECF No. 1. Finally, Stilley seeks certain Bureau of Prisons' files from the U.S. Department of Justice under the Freedom of Information Act, 5 U.S.C. § 552.

Because Stilley sued Rivers, Caraway, Keller, Barr, Paul, and Hawk-Sawyer in their individual capacities for alleged constitutional violations, they are entitled to request representation by the U.S. Department of Justice under Title 28, Code of Federal Regulations, Section 50.15. The individually named defendants are in the process of requesting representation from the Department of Justice. While the Department of Justice does not represent any of them in their individual capacities, to preserve their rights pending resolution of their representation requests, under Rule 6 of the Federal Rules of Civil Procedure, Defendants Rivers, Caraway, Keller, Barr, Paul, Hawk-Sawyer, and the undersigned counsel, on behalf of the United States of America, the U.S. Department of

Justice, and the Federal Bureau of Prisons, move for additional time, until February 10, 2020, to answer or otherwise respond to the complaint.

This motion is not brought for the purpose of an improper delay; rather, the motion is brought so that justice may be done. This is the defendants' first request for additional time to respond to the suit and extending the response deadline will not prejudice Stilley, who is currently under the care of and receiving medical care from Bureau staff and never suffered any life-threatening injuries.

By requesting this additional time, Defendants do not waive, but specifically reserve, any defenses available under the Federal Rules of Civil Procedure. Because Stilley is *pro se* and incarcerated, the undersigned counsel is unable to contact him and obtain his consent for the requested extension of time. Additionally, the undersigned counsel requests relief from the obligation to file a memorandum brief in support of this motion pursuant to the Local Uniform Civil Rules of the U.S. District Courts for the Northern and Southern District of Mississippi. *See* L. U. Civ. R. 7(b)(4).

In sum, Defendants Rivers, Caraway, Keller, Barr, Paul, Hawk-Sawyer, and the undersigned counsel, on behalf of the United States of America, the U.S. Department of Justice, and the Federal Bureau of Prisons, respectfully request the Court grant this motion for an extension of time to answer or otherwise respond to the complaint, thus extending the deadline to answer or otherwise respond to the complaint for all the defendants until and including February 10, 2020.

December 10, 2019

Respectfully submitted,

D. MICHAEL HURST, JR.
United States Attorney

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CERTIFICATE OF SERVICE

I, Marc A. Perez, Assistant U.S. Attorney, hereby certify that, on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I further certify that I caused a true copy of the foregoing document to be mailed *via* United States Postal Service, postage prepaid, to the *pro se* plaintiff at the following address:

Pro Se Plaintiff

Oscar Stilley
10579-062
FCC Yazoo City Camp
P. O. Box 5000
Yazoo City, MS 39194

December 10, 2019

MARC A. PEREZ
Assistant United States Attorney